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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,605	03/21/2007	Rodney Ian Rawlinson	01002.0021	2108
22852	7590	06/23/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER CULBRETH, ERIC D	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 06/23/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,605

Applicant(s)

RAWLINSON, RODNEY IAN

Examiner

Eric Culbreth

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date 5/25/06&3/21/07

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the function controls on the handlebar (claim 7), twist grip throttle and brake lever (claim 8) and differential connected in line (claim 11) as well as the arms pivoted about axes of claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because contrary to page 7, lines 10-12 there are no axes shown for arms 24 (the current axes as illustrated seem perpendicular to the wheel axis and received in sockets). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: There is no support in the specification for claim 11 (in-line differential).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The recitation in claim 2 that each frame has a front and rear wheel is a double inclusion of the pair of road wheels already recited on each frame in claim 1.

b. Claim 4 is not accurate in reciting synchronous tilting of the seat frame with the wheeled frames (the seat does not tilt).

c. In claim 6 "motorcycle-type" is indefinite, suggesting structure but not clearly defining it (what does "motorcycle-type" include and exclude).

d. In claim 16, line 4 there is no clear antecedent basis for "the steering axis" and in claim 16, lines 4-5, there is no antecedent basis for "the longitudinal axle"; also, the longitudinal axle would appear to be inaccurate (there is no axle of the fork).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 5-16816 in view of Winchell et al US004423795.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Japanese '816 (two frames 2L, 2R laterally spaced apart in Figures 5 and 7, pair of road wheels at least 4,5 mounted on each frame spaced and rotating about horizontal axes, the frames connected for synchronous lateral tilting so the wheel camber angle changes in Figure 6) to include a motor connected by drive train to at least one wheel on each side of the vehicle and hence each frame as taught by Winchell et al's motor 88 connected to transmission 90, differential 96 and shafts 66, 67 forming a drive train to wheels 14, 16 in order to conventionally drive Japanese '816's vehicle (claim 1).

8. Claims 2-3 and 16 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese '816 in view of Winchell et al as applied to claim 1 above, and further in view of Japanese Patent 3-82689.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Japanese '816 (who teaches front and rear wheels) and Winchell et al to include a steering mechanism for pivotal synchronous displacement of steering axes as taught by Japanese '689 in Figure 6 in order to synchronously steer Japanese '816's front wheels (claim 2). In the combination Winchell et al already

teaches the motor or engine connected by drive train to the rear wheels (claim 3), and Japanese '816 teaches motorcycle frames 2L, 2R as broadly recited, the front wheels having front forks. In the combination Winchell et al teaches a telescoping suspension 198, 199 in Figure 6 conventionally being damped struts holding the axle, and these suspensions would be on the front wheels of Japanese '816 (claim 16).

9. Claims 4-8, 12-14 and 17 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese '816 in view of Winchell et al and Japanese '689 as applied to claim 2 above, and further in view of Healy US003572456.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of claim 2 above to include a seat frame between wheeled frames and connected to the wheeled frames clear of the ground and synchronously tilting with the driver as taught by Healy's frame 12 with seat 14 in order to allow synchronous tilting with one driver and hence a stable vehicle for one (claim 4). The wheeled frames are aligned with the longitudinal direction of the vehicle in Japanese '816 (claim 5), and Healy in the combination teaches motorcycle handlebars on the seat frame and Japanese '689 in the combination teaches a steering linkage between the handlebar and front wheels (claim 6). Healy teaches brake lever 30 on the handle bar and Winchell et al teaches motor twist grip 38 in the combination (claims 7-8). In the combination Healy teaches lateral links 42, 44 between the frames and seat frame pivoting about axes aligned with the longitudinal direction of the vehicle (claim 12), the links being rigid (claim 13), and the seat frame being midway between the links

(claim 14). In Japanese '816's Figure 2, each rear wheel is mounted on the free end of a pivot arm 12 that extends longitudinally and pivotally connected at the front to a frame part 13 (claim 17).

Allowable Subject Matter

10. Claims 9-11 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. German Patent Document 3711554 teaches two wheeled frames. French Patent 2646379 discloses rear pivoted wheel carriers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner
Art Unit 3616

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